

**CLARIFICATIONS TO ENERGY AGENT/CONSULTANT
APPLICATION AND INSTRUCTIONS
(as of April 25, 2000)**

The following information is provided to answer common inquiries which the agency has received from prospective applicants, and to clarify certain filing requirements. This information may be updated as additional inquiries are received. If you have a specific question regarding an application which has not yet been submitted, please call (973) 648-4443, or (973) 648-4438. If you have already submitted an application, you will be notified of its receipt and given the name and telephone number of the reviewer. All questions should then be directed to that individual. Thank you.

INSTRUCTIONS

Fees

- There is no additional fee required to register as an Energy Consultant, as long as the applicant has applied or is already registered as an Energy Agent.

Certification Under Oath

- If the applicant is a corporation, any officer authorized to certify the application may do so.

New Jersey Business Office Requirement for Energy Consultants

- Pursuant to the Electric Discount and Energy Competition Act and the licensing standards adopted by the New Jersey Board of Public Utilities (Board) pursuant thereto, an Energy Consultant must maintain an office with New Jersey for the purposes of accepting service of process, maintaining records and ensuring accessibility to the Board, consumers and electric and gas public utilities. N.J.S.A. 48:3-78(c) (3); N.J.A.C. 14:4-2.6(d) and Board Order dated 3/1/00. Accordingly, the registrant must acquire and maintain office space through ownership by the registrant, or through a lease or other arrangement in its name. The registrant must have at least one full or part-time employee of the registrant or a person under contract with the registrant located at the office site. A registrant's attorney and the attorney's New Jersey office do not satisfy these requirements. The individual(s) located at the New Jersey office must be available to answer inquiries from the Board and customers, on a timely basis by telephone and when required, in person. Pursuant to N.J.A.C. 14:4-2.6(d) (3), (4), and (5) and the Board Order dated 3/1/00, a registrant must, at its New Jersey office, maintain summary records related to energy contracts or transactions entered into with New Jersey customers or serviced provided by

the Energy Consultant to New Jersey customers, and maintain a record of customer complaints and the resolution thereof. A hard copy printout and/or on-line access to the required records at the registrant's New Jersey office from databases located outside the State will satisfy the requirements of N.J.A.C. 14:4-2.6(d) (3) and (4).

Surety Bond

- Bond must be submitted with application
- Bonds should be dated to coincide with the period of Registration (1 year)
- Obligee is "The State of New Jersey"
- Suggested language for bond(s):

DRAFT SURETY BOND – ENERGY CONSULTANT

STATE OF _____

COUNTY OF: _____

Bond required by N.J.S.A. 48:3-78 (c) (4) **and/or** N.J.S.A. 48:3- 79 (c) (4) to register as an Energy Agent in the subcategory of Energy Consultant to arrange the sales of electricity or natural gas or electric or natural gas related services in New Jersey.

KNOW ALL PEOPLE BY THIS DOCUMENT, that
we _____

_____, hereinafter referred to as the Principal,
with principal offices and place of business located at
_____ and

_____ a corporation organized
and existing under the laws of the State of
_____, and authorized to do business in the
State of New Jersey, hereinafter referred to as Surety, are
held and firmly bound unto THE STATE OF NEW
JERSEY, hereinafter referred to as Obligee, for the use
and benefit of all persons establishing legal rights
hereinunder, in the sum of TEN THOUSAND AND NO/100
(\$10,000) lawful money of the United States of America, to
the payments of which sum, well and truly to be made, we
bind ourselves, our executors, administrators, successors,
and assigns, firmly by this document.

WHEREAS, the Principal as an Energy Consultant desires
to receive customer usage information electronically
pursuant to applicable Board of Public Utilities ("Board")
Orders and

WHEREAS, pursuant to the Board of Public Utilities' Order
of March 1, 2000 (Docket Nos. EX94120585Y et.al), the

Principal is required to maintain a bond to insure against misuse of customer information.

NOW, THEREFORE, if the Principal shall faithfully provide independent advice to customers for the purchase of retail electricity or electric related services, or retail gas supply or gas related services in New Jersey and shall maintain customer information in accordance with applicable confidentiality laws, rules, regulations and Board Orders and not file for bankruptcy or for similar protection under law, then this obligation shall be void, otherwise to remain in full force and effect as security for the use of the State of New Jersey and/or Board of Public Utilities and/or any person or entity who is damaged or suffers any loss by failure to observe applicable confidentiality laws, rules, regulations and Board Orders by this Principal.

The aggregate liability of the Surety is limited to the foregoing sum which sum shall be reduced by any payment made in good faith hereunder.

The term of this bond is for the period beginning (_____) and terminating (_____), and may be continued for an annual period by a Continuation Certificate signed by the Principal and Surety, a copy of which must be served by registered mail upon the Secretary of the Board of Public Utilities.

In order to draw funds on this Bond, the Secretary of the New Jersey Board of Public Utilities shall present the following document to the Surety:

Affidavit sworn to and signed by the Secretary of the New Jersey Board of Public Utilities, stating that at its public agenda meeting of _____(date) _____, the Board of Public Utilities determined that ____ (principal) _____ has not satisfactorily performed its obligations to a person or entity, who has been damaged or suffered a loss by means of the misuse of confidential customer information, or by reason of breach of contract or violation of regulations, rules, Standards or Board Orders promulgated pursuant thereto.

SIGNED, SEALED AND DATED this _____ day of

(Principal)

By:

(Surety)

(Address of Surety)

By:

Notarization Required